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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Moon-jeong Choi

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

DAILEY, THOMAS J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,511	Applicant(s) CHOI, MOON-JEONG	
	Examiner Thomas J. Dailey	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/6/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 9, 2009 has been entered.
2. Claims 1-24 are pending.

Response to Arguments

3. Applicant's arguments filed February 9, 2009 have been fully considered but they are not persuasive.
4. The applicant argues that a combination of Humpleman (US Pat. 6,243,707) in view of Wugoski (US Pat. 6,690,392) would not render claim 1 obvious. Specifically contending the examiner has not established a *prima facie* case for obviousness in that neither Humpleman nor Wugoski disclose collecting and storing information from each of the respective devices. The applicant further asserts that the examiner's statement that Wugoski discloses that information for each of the devices is collected and stored is incorrect, because in Wugoski a user programs macro elements.

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5. The examiner disagrees and contends Wugoski discloses a control unit which collects the remote control service list information from each of the respective devices (column 7, lines 43-54 and column 7, lines 58-61; macros, centrally stored have access to “any combination of input command sources”; that is, within macros are contained commands which were previously collected from each of the respective devices).

That is, it is not the examiner’s contention that “the remote control service list information” are macros. But, rather the macros contain remote control service list information, due to the fact they contain commands that control the functions of devices. Such information is necessarily collected at some point from due to the fact that a user may utilize these commands when inputting a macro. For example, column 7, lines 10-16 discloses a macro that turns on a CD jukebox and plays jazz tracks, “the remote control service list information” would be the functions available for the user to select when commanding the jukebox, and in this scenario they would include turning on the juke box and playing tracks.

6. Lastly, the applicant argues, with respect to claim 1, that Wugoski and Humpleman teach away from the combination proposed by the examiner. The applicant comes to this conclusion based upon a portion of the MPEP (2143.01) that states, “If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” Thereby, additionally alleging that

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by combining Wugoski with the primary reference Humpleman, the principle of operation of Humpleman would change and would render the prior art unsatisfactory for its intended purpose.

7. The examiner disagrees. The intended purpose of Wugoski and Humpleman references are the same (controlling a plurality of home entertainment devices; Humpleman, column 1, lines 17-39 and Wugoski column 1, lines 13-20) thus it is unclear how, to one of ordinary skill in the art a combination of the two would somehow create a system unable to do together what they could do separately. The examiner further reiterates the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). That is, the applicant underpinning rationale appears to rely upon exemplary embodiments of Wugoski and Humpleman and incorporating them. This is not a test for obviousness; rather it is what would have been "suggested to those of ordinary skill in the art" given explicit teachings.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-10, 15, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al (US Pat. 6,243,707), hereafter "Humpleman," in view of Wugoski (US Pat. 6,690,392, previously cited on PTO 892 dated 8/6/2007).

10. As to claim 1, Humpleman discloses a remote control service processing device in a home network environment (Abstract), comprising:

an interface for a data exchange between a plurality of types of devices which are designed to respond to a remote control command received through the network (column 4, lines 54-63);

a storage unit which stores remote control service list information which represents a function responding to a remote controller of the respective devices connected in the network by matching the remote control list information to information of each of the respective devices (column 7, lines 38-48, HTML files store remote control service list information and said HTML files are stored at a home device (column 7, lines 19-21), thus making a storage unit inherent); and

a control unit which collects the remote control service list information from the respective devices, stores the collected information in the storage unit (column 14, lines 21-29), generates a remote service menu as a graphic user interface using the collected information (column 14, lines 21-29, HTML page lists various commands (i.e. a menu) that correspond to the commands for the devices) and provides a certain device in the network with a remote control service to remote control at least one of the respective devices through the graphic user interface (column 7, lines 38-48 and column 14, lines 30-34).

But, Humpleman does not explicitly disclose the central storage unit stores remote control service list information which represents a function responding to a remote controller of *each of the respective devices* connected in the network. Rather, in Humpleman each of the respective devices remote control service list information is stored local to each device, and therefore is not centralized in one storage unit.

However, Wugoski discloses a remote control service processing device in a home network environment (Fig. 1, label 100 and column 4, lines 4-7) comprising a central storage unit (Fig. 1, labels 130) which stores remote control service list information which represents a function responding to a remote controller of each of the respective devices connected in the network (column 7, lines 6-16 and column 7, lines 58-61, macros (contain remote control service list information)

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are centrally stored on the information handling system (a PC) and send commands to networked devices; macros include multiple functions that correspond to respective devices, such functions (i.e. remote control service list information) are necessarily stored on the information handling system as the macros utilize them), and a control unit which collects the remote control service list information from each of the respective devices (column 7, lines 43-54 and column 7, lines 58-61; macros, centrally stored have access to “any combination of input command sources”; that is, within macros are contained commands which were previously collected from each of the respective devices).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Humpleman and Wugoski in order to centralize the storage of remote control function information thereby allowing for easier management and manipulation of that information (i.e. a user need not access each device individually in order to make respective changes).

11. As to claim 2, Humpleman discloses the control unit comprises:

a database server which collects the remote control service list information and manages the collected information (column 14, lines 38-42, the session manager inherently that manages function information as it sends command and control information to the managed devices); and

a remote control proxy server which provides the certain device with the remote control service in accordance with the remote control service list information collected through the database server, and upon receiving from the certain device a request for the remote control through the remote control service, reads a remote control command from the database server in accordance with the remote control request (column 14, lines 38-42, command and control signals are inherently read from the database in the session manager as they are sent from the session manager), and transmits the remote control command to the corresponding device (column 14, lines 38-42).

12. As to claim 3, Humpleman discloses the database server maps an icon in correspondence with each device (column 13, lines 54-58).

13. As to claim 4, Humpleman discloses the remote control proxy server provides the remote control service so as to enable the certain device to select through the icon a device for remote control (column 13, line 64-column 14, line 5).

14. As to claim 5, Humpleman discloses the remote control proxy server provides an icon representation selection tool as the remote control service, with which a user can selectively display the icon (column 14, lines 6-18).

15. As to claim 6, Humpleman discloses when an information regarding the selection of the icon is received from the certain device, the remote control proxy server provides the remote control service so that a remote control service page can be displayed to display the remote control service list of the device corresponding to the icon (column 13, lines 45-58, icons are linked to device homepages which have control commands for that particular device, e.g. Fig. 13).

16. As to claim 7, Humpleman discloses the remote control proxy server provides the certain device with a remote control service selection item in the form of a list together with other available services (column 18, lines 48-55 and Fig 13, various commands can be given to the DVCR).

17. As to claim 8, Humpleman discloses when an information regarding the selection from the remote control service item is received from the service list, the remote control proxy server provides a remote control service setting menu for the user to set functions of the respective devices in the network (column 18, lines 48-55 and Fig. 13, commands are listed for a device, in this example the DVCR), and provides a first remote control service page for displaying a remote control service provision menu for the functions of the devices registered through the remote control service setting menu (Fig. 12A and column 18, lines 4-8, a user can select any of the devices controlled by the system).

18. As to claim 9, Humpleman discloses when an information regarding the selection from the remote control service setting menu is received, the remote control proxy server provides a second remote control service page which matches the function lists of the respective devices with the devices and represents the result (Fig. 12A, Fig. 12 column 18, lines 4-16, in this example a user selects the DVCR page, and now the functions available to the DVCR are displayed).

19. As to claim 10, Humpleman discloses when a control signal is input in accordance with the function selection of the respective devices in a state that the second remote control service page is displayed, the remote control proxy server provides the remote control service so that a function corresponding to the control signal among the remote control service list displayed on the second remote control service page is marked (Fig. 12A, Fig. 12 column 18, lines 4-16).

20. As to claim 15, Humpleman discloses when an information regarding the selection from the remote control service setting menu is received, the remote control proxy server provides a second remote control service page to separately display a device corresponding to the control signal in accordance with a function selection of the respective device, and functions corresponding to the control signal (Fig. 13 and column 18, lines 48-55).

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21. As to claim 23, Humpleman discloses the certain device is a device having a display (column 7, lines 38-48).

22. As to claim 24, Humpleman discloses said remote control service processing device is said certain device (column 7, lines 38-48, display device provides interface to input commands).

23. Claims 11-14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Wugoski as applied to claims 1-10 above, and further in view of what was well known in the art at the time of the invention.

24. As to claim 11, Humpleman and Wugoski disclose the invention substantially with regard to the parent claim 10, and further discloses respective devices in the home network that have names that can be changed (Humpleman, Fig. 8, label 712, names of are obviously user created).

However, Humpleman and Wugoski do not disclose specifics with how those names can be changed specifically with regards to when a confirm button is selected, the database server generates a new identifier with respect to the functions in marking and the respective devices, matches and registers the functions in marking with the generated identifier. Simply, adding a confirm

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button when modifying the device identifiers in Humpleman would have been an obvious modification to one of ordinary skill in the art at the time of the invention. Therefore, Official Notice is taken, that combining the teachings of Humpleman with a well-known practice in the art (the use of a confirm button) would have been obvious to one of ordinary skill in the art at the time of the invention.

25. As to claims 12 and 17, Humpleman and Wugoski disclose the database server registers the identifier as a device identifier (Humpleman, Fig. 8, label 712, names of are obviously user created and assigned to a specific device).

26. As to claims 13 and 19, Humpleman and Wugoski disclose the remote control service provision menu is selected, the remote control proxy server provides a third remote control service page so that the devices registered in the database server are displayed (Humpleman, Fig. 12A, label 1004 with labels 1014, 1016, 1018, and 1020 denoting the devices registered in the database).

27. As to claims 14 and 18, Humpleman and Wugoski disclose when an information regarding a remote control request is received from the certain device to the respective device which is registered with the identifier, the remote control proxy server transmits the remote control command sequentially and at a predetermined time interval to the respective device with respect to the function

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matched and registered with the identifier (Humpleman, Fig. 13, label 1006, commands are given to DVCR via the GUI).

28. As to claim 16, it is rejected by the same rationale set forth in claim 11's rejection.

29. As to claim 20, Humpleman and Wugoski disclose the database server maps an icon for each device (Humpleman, column 13, lines 54-58).

30. As to claim 21, Humpleman and Wugoski disclose the remote control proxy server provides the remote control service so that the certain device can select the icon of one of said devices wanted for remote control during the execution of the function of the certain device (Humpleman, column 13, line 64-column 14, line 5).

31. As to claim 22, Humpleman and Wugoski disclose when an information regarding the selection of one of said icons is received from the certain device, the remote control proxy server provides a third remote control service page so that the device and the function corresponding to the selected icon can be matched with each other and displayed (Humpleman, Fig. 13, label 1006 and column 18, lines 48-55).

Conclusion

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/
Primary Examiner, Art Unit 2452

/T. J. D./
Examiner, Art Unit 2452